

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

BRIAN D. MCQUADE,

Defendant

CRIMINAL NO. 21-cr-348-DLB

CONSENT MOTION TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT

The United States of America, by and through undersigned counsel, hereby moves this Court for an Order excluding the period from and including February 6, 2023 through and including April 3, 2023, for purposes of computing the time within which trial must commence, in accordance with 18 U.S.C. § 3161(c). Counsel for the Defendant consents to this request. For good cause, the government states as follows:

1. On September 2, 2021, a Grand Jury in the District of Maryland returned an indictment charging the defendant with two counts of wire fraud (18 U.S.C. § 1343). The Defendant was arrested and had his initial appearance in this District on September 20, 2021. The Defendant was represented by the Federal Public Defender.

2. The Defendant thereafter retained counsel. Between October 2021 and February 2023, the Defendant was represented by retained counsel. The parties were engaged in discussions involving a potential resolution of the case and the matter was set for trial beginning February 6, 2023.

3. In fall 2022, the Defense filed a motion requesting a competency evaluation. That motion was briefed and by agreement of the parties, the Defendant was evaluated by a doctor.

Following the evaluation, the Defendant, through counsel, indicated that he did not wish to pursue any further competency proceedings and wished to proceed with entering a guilty plea.

4. In January 2023, this matter was set for a rearraignment. At the scheduled hearing, the Defendant indicated that he did not wish to proceed with a guilty plea.

5. Following the hearing, the Defendant's retained counsel moved to withdraw. The matter was referred for an attorney inquiry hearing and the Federal Public Defender was again appointed to represent the Defendant.

6. The Speedy Trial Act provides that the trial of the Defendant shall commence within seventy days "from the filing date (and making public) of the information or indictment." 18 U.S.C. § 3161(c)(1). However, pursuant to 18 U.S.C. § 3161(h)(7)(A), any delay resulting from a continuance is excluded for speedy trial purposes if based on a finding that the ends of justice served by taking such action outweigh the best interest of the public and the Defendant in a speedy trial.

7. The circumstances of this case require a continuance under the Speedy Trial Act. The Defendant recently was appointed new counsel, who will require time to obtain and review the discovery in this case. Thus, the interests of justice served by the resulting delay will outweigh the interests of the Defendant and the public in a speedy trial.

8. The undersigned counsel for the government has consulted with counsel for the Defendant, who consents to the relief sought in this Motion.

9. A status report in this case is due on or before April 3, 2023. The relevant time periods prior to February 6, 2023, the scheduled trial date in this matter, have already been excluded.

WHEREFORE, the parties request that the Court enter an order excluding the period from and including February 6, 2023 through and including April 3, 2023, in computing the time

within which trial must commence, in accordance with 18 U.S.C. § 3161(c). A proposed order is attached.

Respectfully submitted,

Erek L. Barron
United States Attorney

/s/ Caitlin R. Cottingham
Caitlin R. Cottingham
Jessica C. Collins
Assistant United States Attorneys

CERTIFICATE OF SERVICE

I, Caitlin R. Cottingham, HEREBY CERTIFY that a copy of the foregoing was filed with the Clerk of the Court using the CM/ECF system, which will send notice of such filing to all counsel of record, on March 13, 2023.

By: /s/ Caitlin R. Cottingham
CAITLIN R. COTTINGHAM
Assistant United States Attorney